

FINAL ORDER NO. 6403

**DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601**

IN THE MATTER of John B. Toenyes)	
dba Great Falls Historic Trolley, Great Falls,)	Docket No. T-96.9.PCN
Montana, Application for a Montana Intrastate)	Order No. 6403
Certificate of Public Convenience and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On January 26, 1996, John B. Toenyes dba Great Falls Historic Trolley, 156 Woodland Estates, Great Falls, MT 59404 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers within the City of Great Falls, Montana and a ten (10) mile radius thereof.

Limitations: Transportation is restricted to that provided by replica motorized trolley.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public February 6, 1996. That notice said in pertinent part:

If no written protests are received by February 26, 1996, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Carol T. Place dba Tour de Great Falls, Ulm, Montana filed a protest to the docket

4. Notice of Public Hearing was issued April 1, 1996, with the hearing scheduled for April 24, 1996, in Great Falls, Montana. Prior to the hearing date, Applicant restrictively amended the application and the protest was withdrawn. The hearing was vacated. Applicant's amendment is

incorporated into the Order granting authority herein.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 22nd day of April, 1996, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-96.9.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of John B. Toenyes dba Great Falls Historic Trolley, Great Falls, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers within the City of Great Falls, Montana and a ten (10) mile radius thereof.

Limitations: Transportation is restricted to that provided by replica motorized trolley.

Carrier is restricted from additionally providing off-vehicle guided tours of historical and natural attractions in conjunction with the transportation fare.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 22nd day of April, 1996, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCaffree, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.